

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YOVANNY DOMINGUEZ and on behalf of all
other persons similarly situated,

Plaintiff,

-v-

FL RETAIL OPERATIONS LLC,

Defendant.

19 Civ. 10624 (PAE) (SLC)

ORDER

PAUL A. ENGELMAYER, District Judge:

On March 2, 2020, defendant FL Retail Operations LLC (“Florida Retail”) moved to dismiss plaintiff Yovanny Dominguez’s initial complaint in this case. Dkt. 16. On March 3, 2020, the Court referred the motion to the Honorable Sarah L. Cave, Magistrate Judge, for a report and recommendation. Dkt. 18. On March 16, 2020, Dominguez filed an amended complaint. Dkt. 19. On April 6, 2020, Florida Retail moved to dismiss Dominguez’s amended complaint. Dkt. 21.

The amended complaint alleges violations of the Americans with Disabilities Act for the failure of Florida Retail to accommodate legally blind individuals in the purveyance of gift cards. Similar motions to dismiss raising the same arguments are currently pending on appeal before the Second Circuit in *Dominguez v. Banana Republic, LLC*, No. 20-1559, and five related cases. These cases are on the Second Circuit’s expedited appellate calendar. *See, e.g.*, No. 20-1559, Dkt. 26.


The *Banana Republic* decision will almost certainly occasion significant re-briefing of Florida Retail’s pending motion, if not the resolution of this litigation. Accordingly, the Court administratively terminates Florida Retail’s motion to dismiss, without prejudice to its ability to

refile its motion subsequent to the Circuit's decision in *Banana Republic* or its related cases.¹

The Court further stays all proceedings in this case pending a decision in *Banana Republic* or the related cases.

The Clerk of Court is respectfully directed to terminate the motions pending at dockets 16 and 21.

SO ORDERED.



PAUL A. ENGLMAYER
United States District Judge

Dated: June 24, 2020
New York, New York

¹ For the avoidance of doubt, this Order does not impact any other dates and deadlines in this case.